

CITY OF MUSKEGON
PLANNING COMMISSION
SPECIAL MEETING
MINUTES

February 25, 2015

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, B. Larson, B. Mazade, S. Wisneski, J. Doyle,
L. Spataro, B. Smith, S. Gawron, F. Peterson

MEMBERS ABSENT: None

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: S. Strautmanis, GE Capital, Wisconsin; C. Grinwis, Hooker
DeJong Architects

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of January 15, 2015 be approved, was made by B. Mazade, supported by S. Wisneski and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2015-02: Request for preliminary Planned Unit Development (PUD) approval for a multi-family housing development at 30 E. Clay Ave., 4 W. Clay Ave. and 48 E. Western Ave., by General Capital Group. M. Franzak presented the staff report. The proposed development will consist of 87 residential units for low income senior living, and will be located on three separate parcels (30 E. Clay, 4 W. Clay and 48 E. Western Ave). Staff is requesting that if approved, the parcels be combined. The total size of the three combined parcels is 2.03 acres. There is currently a vacant building (which is on the city's dangerous building list) on 30 E. Clay and a garage/storage building on 4 W. Clay. Both buildings would be demolished as part of this plan. The parcels are all zoned B-4, General Business district. A PUD is necessary for this project to allow flexibility on the following standards: a) Building height: This district only allows buildings a maximum of two stories or 35 feet. The proposed building is 4 stories and 46 feet high; b) Side setback: This district requires buildings of two stories to be set back a minimum of 10 feet. This proposed four story building has a side yard setback of only 5 feet on the east side of the property; c) Front setback: This district requires front setbacks to be a minimum of 10 feet. This proposed development would have a front yard setback of only 5 feet; d) Parking: Multi-family housing complexes require at least two spaces per unit; there are 87 proposed units in this development and only 92 total parking spaces.

The following items are missing from the original site plan submitted: a) A landscaping plan, including landscaping islands in the parking lot, b) Parking lot lighting, c) Stormwater

management plan, d) Fire hydrants, e) A north arrow, f) Topography elevations at 5-foot intervals, g) Arrows showing direction of existing overland flow of stormwater runoff, h) A grading plan, i) Soil erosion and sediment control measures, j) Location of snow storage areas, and k) Utility plans including water and sewer. The following items need to be corrected or added to the site plan: a) A description of the type of pathway lighting to be used, b) The maneuvering lane in the small parking lot in the front of the building is not large enough. There must be at least 22 feet of maneuvering space for two-way traffic, c) The type of parking lot pavement is not defined, d) Construction type needs to be listed to aid in determining water supply and hydrant requirements and locations, and e) The Fire Department will need a fire access road around the building that shall support a 76,000-pound fire apparatus. The Fire Department also noted that water supply fire flow calculations shall be conducted and submitted to the Fire Marshall and Fire Suppression Contractor. Also, the project must comply and conform to NFPA 1141 standard for fire protection in planned building groups. In addition to the missing utility plans and stormwater management plan, the Engineering Department is requesting that the developer evaluate the sewer/water needs versus what is available to determine if upgrades are necessary. There is not a sidewalk along the Spring Street side of the property and Planning Commissioners may request the addition of one as part of the PUD process. The proposed development is located in Flood Zone A (Special flood hazard areas inundated by 100 year flood, no base flood elevations determined). This requires Section 2323 (Flood Hazard Areas) of the zoning ordinance to be met. An excerpt of that section was provided to board members and the applicant. Without a topography map and elevations, it is not possible to determine the risk associated with development within this flood zone. Furthermore, staff is also requesting from the developer the submittal of Section 2323-6-d-2, which states that "the Zoning Administrator shall obtain from a Registered Professional Engineer or Architect, certification that the flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood so that the structure is watertight to the base flood level." Staff is also requesting that all other requirements of Section 2323 are submitted to insure compliance with all flood hazard area planning. Notice was sent to properties within 300 feet of the subject parcels. Jan Witt from Witt Buick across the street at 67 W. Western Avenue stated that she is opposed to the project if it is like Harford Terrace, but would be in favor of it if it were like Nelson Place. No other comments were received.

M. Franzak explained that the preliminary PUD process involved only the approval of the plan concept. The final PUD approval process would determine whether the site plan review requirements were met. The applicant had submitted an additional landscaping and grading plan since the first plan was submitted, but there was still more work to be done before it was ready for approval. The maneuvering lanes were addressed, but a letter from an architect or engineer addressing the flood zone requirements was still needed. T. Michalski asked if the Planning Commission could conditionally approve the request and allow staff to approve any remaining items. M. Franzak stated that they could. L. Spataro stated that, considering the scale of the project, the plans were lacking a lot of information. He was also concerned with some of the design elements, considering the population it intended to serve.

F. Peterson arrived at 4:10 p.m. B. Smith arrived at 4:11 p.m.

S. Strautmanis with General Capital displayed a PowerPoint presentation illustrating the project details and design. He stated that this was their first project in Michigan, and they sought to take advantage of tax credits available for affordable senior housing. They were using local architect and engineering firms to assist. He stated that their previous projects have also included “supportive housing” for people with disabilities, in addition to seniors. L. Spataro reiterated his concern about the parking area being too far from the building, and questioned the number of parking spaces available. S. Strautmanis stated that, in his experience, he had found that senior living complexes did not generally utilize all their parking spaces. C. Grinwis of Hooker DeJong Architects described the site layout and landscaping. He stated that the dumpster should not be visible from Shoreline Drive, as there was a sizable berm between the two. Regarding parking spaces, he stated that they had followed MSHDA’s recommendations. They were also considering installing a carport over some of the spaces. They had had some discussion with the City’s Engineering Department regarding stormwater management but did not have a finalized plan yet. S. Strautmanis stated that between now and the next meeting, they would address the remaining details with City staff. Their plan was to get the property surveyed and verify the flood plain information, address final site grading, sediment and soil erosion issues, finalize the stormwater management plan and obtain approval from the Fire Marshall for his items of concern. He also explained that they were on a tight time schedule.

M. Franzak addressed some of the items discussed during the presentation. He stated that any carports would have to be shown on the site plan. He was concerned that, with the parking lot layout, a carport structure could cause vision issues with vehicles backing out. He stated that the landscaping requirements had to be addressed before the site plan was approved; they could not wait until building permits were issued. Regarding parking, this site was located just outside the downtown overlay parking district. Parking restrictions were dependent on building height. If there was not enough parking, they may need to proceed with a 3-story building rather than a 4-story, and that decision needed to be made soon. He cited Nelson Place as another downtown senior housing complex which had a ratio of 1 parking space per unit, and they were currently having issues with a lack of parking and space for snow storage. A topography map was also needed and a more complete grading plan. Once approved, future amendments to the PUD would require the applicant to come back to the Planning Commission, and a significant amendment would require another public hearing. B. Mazade concurred that it was important to get a final decision on the number of stories and units in the building. He asked if there would still be the same number of parking spaces whether a 3- or 4-story building was erected. S. Strautmanis stated that the amount of parking spaces would remain the same. B. Mazade asked about stormwater runoff from the parking lot, especially considering the proximity to the creek. C. Grinwis pointed out the revised plan showing where runoff would flow off the parking area, across filtered rip rap, then into the creek on the property. B. Mazade asked for clarification on the exterior treatment of the building. S. Strautmanis stated that their company policy was not to use vinyl siding, so they used brick. Regarding the number of floors in the building, he stated that they preferred to have the option of a fourth floor as there was a possibility of additional funding if they had the extra units. J. Doyle asked when the applicants expected to make a final decision on the number of floors. S. Strautmanis stated that, if they could get the tax credits it would free up additional funds for the fourth floor, but it would probably be several months from now before they knew for sure. S. Wisneski asked if the building would have elevators, as he did not see them in the plan. S. Strautmanis stated the building would have elevators. S. Wisneski mentioned that property in that area had been sinking. S. Strautmanis stated that they

were aware of it and it could possibly halt the project, but they were getting the necessary inspections done in order to make a determination and hoping for the best. S. Wisneski asked if the project would be strictly low-income housing. S. Strautmanis explained that the program they were seeking was a tax credit program in which they could buy down the cost of development, but the renters paid their own rent, unlike a Section 8 program. He explained the percentage of units devoted to low-income renters. L. Spataro stated that it was similar to the Amazon and ArtWorks units. T. Michalski asked what the minimum resident age would be. S. Strautmanis stated that they had not yet decided on an age limit of 55 or 62. S. Wisneski asked how they planned to mitigate the odor of the creek. S. Strautmanis stated that they would clean up and beautify as much of the creek area as regulations allowed, since they wanted it to be an amenity for the tenants. C. Grinwis stated that they would be subject to DEQ regulations for the clean-up. L. Spataro stated that there may also be some covenants in place from remediation work done in the area a few years ago. He reiterated his concerns with the project as presented, including the lack of information available/missing information, short time frame, the design and layout of the structure including the distance from the parking area, and the runoff issues from the parking lot into the creek, especially considering that substantial funds had previously been expended on clean-up. S. Strautmanis stated that their biggest constraint on the site layout was the shape of the lot. He explained how they came up with the proposed layout. L. Spataro suggested using a smaller footprint and having four stories. B. Larson asked for an explanation of their timeline. S. Strautmanis explained that they were trying to meet MSHDA's deadline for the first round of grant allocations. L. Spataro asked if there was any reason they couldn't wait for a year and come up with a more thorough plan suitable for the site. S. Strautmanis stated that they preferred to deal with the political climate in place now, since that aspect can change and derail an entire project. In addition, their options in obtaining the property may not be available in another year. S. Strautmanis and board members discussed the ownership status of the property. C. Robere of United Way had no objection to the request. They were located right next to the site and were in favor of having the lot improved.

A motion to close the public hearing was made by B. Larson, supported by B. Smith and unanimously approved.

M. Franzak reminded board members that this case addressed the preliminary approval only, which involved approval of the plan concept. The following case was the request for final approval, meaning that the project met site plan requirements. L. Spataro and B. Mazade concurred that, although they were in favor of the concept, they were not ready to approve the final plan.

A motion that the preliminary PUD for a multi-family housing development at 30 East Clay Avenue, 4 West Clay Avenue and 48 East Western Avenue be approved, pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan was made by B. Larson, supported by F. Peterson and approved, with T. Michalski, B. Larson, B. Mazade, S. Wisneski, J. Doyle, L. Spataro, B. Smith, S. Gawron, and F. Peterson voting aye, and S. Wisneski voting nay.

Hearing, Case 2015-03: Request for final Planned Unit Development approval for a multi-family housing development at 30 E Clay Ave, 4 W Clay Ave and 48 E Western Ave, by General Capital Group. M. Franzak stated that if the Planning Commission determined that the

site plan met all of the standards of the zoning ordinance, they could make a motion to approve the final PUD proposal. However, board members concurred that additional information was needed before they were comfortable approving the final plan. Concerns included the lack of a sidewalk along the Spring Street side of the property, the distance between the parking lot and the building, and runoff issues into the creek. S. Gawron added that the site plan had to be more complete before it was presented to the City Commission for approval. S. Wisneski stated that the downtown was already at the saturation point for low income housing and while he liked the design of the project, he was not in favor of the downtown location. M. Franzak stated that he had an idea of what the Planning Commission was looking for on the final plan, but still needed a consensus about the sidewalk along Spring Street. Board members concurred that a sidewalk should be placed there. Board members discussed stormwater runoff concerns. M. Franzak stated that he would discuss that and the high water table on the property with the City Engineer, who had indicated that he was willing to work on coming up with a solution for the site.

The public hearing was held and there were no additional comments. A motion to close the public hearing was made by B. Mazade, supported by L. Spataro and unanimously approved.

A motion to table this case until the March meeting so the applicant can present a more complete site plan addressing the issues discussed was made by L. Spataro, supported by B. Larson and unanimously approved, with T. Michalski, B. Larson, B. Mazade, S. Wisneski, J. Doyle, L. Spataro, B. Smith, S. Gawron, and F. Peterson voting aye.

Hearing, Case 2014-04: Staff-initiated request to amend the zoning ordinance to allow amusement and recreational facilities, including indoor and outdoor sports fields in B-2, Convenience and Comparison Business zoning districts. Staff has received requests in the past to locate these types of facilities in various business districts throughout the city. These include sports fields, indoor skate parks and bounce houses. Currently, the only business districts these types of uses would be allowed in are B-3 and B-4 districts, with a Special Use Permit. Staff believes that these types of uses are compatible with the intent of the B-2 zoning district and should be allowed as a use by right. Many of the B-2 districts in the city are located within and around residential neighborhoods, providing easy access for potential customers. A map depicting B-2 districts in the city was provided, as was the proposed wording to be added to the B-2 language: “10. Recreational facilities, including indoor and outdoor sports fields”.

B. Mazade asked what precipitated the request. M. Franzak stated that he had received various requests in the past and decided on this course of action rather than a rezoning. S. Wisneski stated that there had been support for athletic fields in the downtown area. L. Spataro clarified that the facilities would be allowed as a matter of right and not as a special use. M. Franzak confirmed that it would be a principal use (matter of right).

A motion to close the public hearing was made by B. Larson, supported by L. Spataro and unanimously approved.

A motion that the proposed amendment to Section 1100 of the City of Muskegon Zoning Ordinance to allow recreational facilities including indoor and outdoor sports fields in B-2, Convenience and Comparison Business Districts, be recommended to the City Commission for approval, was made by S. Wisneski, supported by B. Larson and unanimously approved, with T. Michalski, B. Larson, B. Mazade, S. Wisneski, J. Doyle, L. Spataro, B. Smith, S. Gawron, and F.

Peterson voting aye.

NEW BUSINESS

None.

OLD BUSINESS

None.

OTHER

There being no further business, the meeting was adjourned at 5:25 p.m.